

Introduced by Senators Kehoe, Kuehl, Migden, and Romero
(Coauthors: Assembly Members Goldberg, Jones, Laird, and Leno)

April 21, 2005

Senate Joint Resolution No. 11—Relative to the “Don’t Ask, Don’t Tell” military policy.

LEGISLATIVE COUNSEL’S DIGEST

SJR 11, as introduced, Kehoe. Military: “Don’t Ask, Don’t Tell” policy.

This measure would urge the Congress and the President of the United States to adopt the Military Readiness Enhancement Act of 2005 (H.R. 1059), that institutes a policy of nondiscrimination based on sexual orientation, and to repeal the “Don’t Ask, Don’t Tell” policy.

Fiscal committee: no.

1 WHEREAS, Since the 1994 codification into law by the
2 United States Congress, and by the signature of the President, the
3 policy now known as “Don’t Ask, Don’t Tell, Don’t Pursue,
4 Don’t Harass” (National Defense Authorization Act of 1994
5 (Public Law 103-160)), has led to the discharge of a great
6 number of lesbian and gay service members, thus ending their
7 careers and burdening them with a lifelong stigma; and
8 WHEREAS, The capacity of the Armed Forces of the United
9 States to carry out its missions, like the Global War on Terror, is
10 hindered when competent and qualified individuals are
11 involuntarily discharged from those forces; and
12 WHEREAS, The Armed Forces of the United States have been
13 forced to retain Reserve and National Guard service members on

1 active duty past standard deployment lengths in order to carry out
2 its missions during the Global War on Terror; and

3 WHEREAS, The ability of the Armed Forces to recruit and
4 retain the best and brightest Americans is hindered by excluding
5 a section of the population solely because of sexual orientation;
6 and

7 WHEREAS, Lesbian and gay service members have served
8 honorably throughout United States history and continue to serve
9 with distinction on active duty in the Global War on Terror,
10 including in Operation Enduring Freedom in Afghanistan and
11 Operation Iraqi Freedom in Iraq; and

12 WHEREAS, These men and women have achieved military
13 honors, decorations, and promotions to the highest ranks of their
14 respective services for their valor and service to the people of the
15 United States; and

16 WHEREAS, America's allies in the war on terror, like the
17 United Kingdom, Australia, and Israel, all allow lesbian and gay
18 service members to serve openly; and

19 WHEREAS, The Department of Homeland Security, the
20 Federal Bureau of Investigation, the Defense Intelligence
21 Agency, the National Security Agency, the Central Intelligence
22 Agency, and other federal departments handling national security
23 allow their lesbian, gay, bisexual, and transgender personnel to
24 serve openly; and

25 WHEREAS, A February 2005 Government Accountability
26 Office report shows that more than 9,488 service members have
27 been discharged under the "Don't Ask, Don't Tell" policy,
28 including at least 757 service members in "critical occupations,"
29 such as counterintelligence experts, at a cost to taxpayers of more
30 than \$190 million; and

31 WHEREAS, The Department of Defense reported that 209
32 language specialists have been discharged from the military
33 under the "Don't Ask, Don't Tell" policy, including 54 Arabic
34 and 9 Farsi translators, vitally important positions to intelligence
35 gathering and in critical shortage; and

36 WHEREAS, Evidence from a study conducted by the Center
37 for the Study Of Sexual Minorities in the Military suggests that
38 the "Don't Ask, Don't Tell" policy increases gay troops' stress
39 levels, lowers their morale, impairs their ability to form trusting
40 bonds with their peers, restricts their access to medical care,

1 psychological services and religious consultations, and limits
2 their ability to advance professionally and their willingness to
3 join and remain in the services; and

4 WHEREAS, Every Department of Defense authorized study
5 has shown that there is no correlation between sexual orientation
6 and unit cohesion in the Armed Forces; and

7 WHEREAS, The majority of American citizens support
8 keeping trained and skilled openly gay and lesbian service
9 members in the military; and

10 WHEREAS, The United States military's readiness to protect
11 and defend our nation is severely compromised because of the
12 discriminatory "Don't Ask, Don't Tell" policy that is arbitrarily
13 enforced by commanders whose personal beliefs may influence
14 their disciplinary action; and

15 WHEREAS, Discharges under "Don't Ask, Don't Tell" are
16 historically fewer when troop strength is low, as in times of war,
17 which denotes the tacit recognition by the military that lesbian
18 and gay service members are fit and capable of military service,
19 thereby further illustrating the arbitrary enforcement of this
20 policy; and

21 WHEREAS, California has 26 military bases which are home
22 to tens of thousands of military personnel and their families, and,
23 according to a 2004 Urban Institute study, an estimated 137,000
24 lesbian and gay veterans live in California; and

25 WHEREAS, The Legislature and courts of the State of
26 California have extended protections based on sexual orientation
27 and gender identity that affirm the equality under the law of
28 lesbian, gay, bisexual, and transgender citizens in order to
29 prevent invidious discrimination; and

30 WHEREAS, In 2004 the California Legislature passed, and the
31 Governor signed, legislation that protects nonfederally
32 recognized personnel in the California State Militia from the
33 threat of "Don't Ask, Don't Tell"; and

34 WHEREAS, Military readiness is enhanced when every
35 qualified, capable American, regardless of sexual orientation, is
36 welcomed into our Armed Forces and has their talents utilized in
37 the best interest of our national security; now, therefore be it

38 *Resolved by the Senate of the State of California, the Assembly*
39 *thereof concurring*, That the Legislature of the State of California
40 respectfully urge the President and the Congress of the United

1 States to adopt the Military Readiness Enhancement Act of 2005
2 (H.R. 1059) to end the discriminatory federal policy of “Don’t
3 Ask, Don’t Tell”; and be it further
4 *Resolved*, That the Secretary of the Senate transmit copies of
5 this resolution to the President of the United States, to each
6 Senator and Representative in the Congress of the United States,
7 and to the presiding officer of each house of each state legislature
8 of the several states.